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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/830,150	04/23/2004	Shuichi Izawa	1081.1202	7843
21171	7590	09/12/2007	EXAMINER	
STAAS & HALSEY LLP			MARTINEZ, DAVID E	
SUITE 700			ART UNIT	
1201 NEW YORK AVENUE, N.W.			PAPER NUMBER	
WASHINGTON, DC 20005			2181	
			MAIL DATE	DELIVERY MODE
			09/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/830,150

Applicant(s)

IZAWA ET AL.

Examiner

David E. Martinez

Art Unit

2181

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 August 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

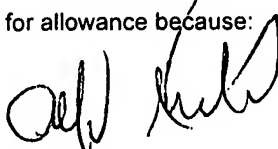
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


ALFORD KINDRED
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments are not persuasive. In response to Applicant's arguments, the Examiner respectfully disagrees. The amendments do raise new issues since the use of the word "common" raises 112-2nd paragraph issues. The use of the word "common" such as when used in the term "first common transaction control signals" renders the claims indefinitely since it is not clear what other element it is common to. The word is a relative word and thus it requires some kind of reference. Also, the amendment creates several instances of "financial transaction operations" which also raise new issues since it's not clear if the different instances refer to the same financial transaction operations or to distinct financial operations from one another.

The amendment/remarks directed to the 112-2nd paragraph rejection (remarks page 9) also fails to overcome the 112 rejection set forth in the final office action.

In response to Applicant's arguments that the prior art of record fails to disclose "financial transactions", the Examiner would like to note that the prior art of record discloses transactions as noted in the prior final office action, and that the "financial" limitation are not structurally involved in the elements of the apparatus. Therefore, the amended "financial" limitation is deemed to be nonfunctional descriptive material. The elements of the apparatus would be the same regardless of what type of transaction is being performed. The differences between the content of the Applicant's transaction and the prior art are merely subjective. Thus this nonfunctional descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see in re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed Cir. 1983); in re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed Cir. 1994) also see MPEP 2106.

In response to Applicant's arguments that bytecode and binary code cannot correspond to the claimed first transaction control signal converted to a second transaction control signal, the Examiner respectfully disagrees. In computing, a transaction is nothing more than a type of computer processing in which a computer responds to a request. In the cited text quoted by the Applicant, a first transaction control signal corresponding to bytecode is interpreted/converted into binary codes which corresponds to the claimed second transaction control signal in order to respond to a request.

In response to Applicant's arguments that the computer system and control signal disclosed by the prior art cannot correspond to the claimed automatic transaction apparatus and transaction signal, the Examiner respectfully disagrees. Applicant's cited text describes a computer system which conforms to an "automatic transaction apparatus", and bytecode which corresponds to a transaction signal. The prior art also shows the computer system performs a transaction, i.e., computer processing in which the computer responds to a request, which is implemented by the use of bytecode and binary code (first and second control signals).

Examiner notes that claims 9 and 17 remain rejected for similar reasons.

Claims 4,5,12 and 13 remain rejected for similar reasons as claims 1, 9 and 17.

Claims 6 and 14, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references..